

Senate on May 14, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1706. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Promoting Diversification of Ownership in the Broadcasting Services" (MB Docket No. 07-294) received in the Office of the President of the Senate on May 14, 2009; to the Committee on Commerce, Science, and Transportation.

### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-20. A joint memorial adopted by the Legislature of the State of Washington relative to the United States Fish and Wildlife Service working cooperatively with the state's regulatory agencies and energy producers; to the Committee on Energy and Natural Resources.

#### SENATE JOINT MEMORIAL 8001

Whereas, in 2006 the voters passed Initiative No. 937, targets for energy conservation and the use of eligible resources, including wind, by the state's large utilities; and

Whereas, in 2007 the Legislature adopted the goals of reducing greenhouse gas emissions to 1990 levels by 2020, reducing emissions to 25 percent below 1990 levels by 2035, and reducing emissions to 50 percent below 1990 levels by 2050; and

Whereas, during this time of economic uncertainty, the construction and operation of wind and other alternative energy sites presents an opportunity to bring new jobs and valuable economic opportunities to Washington communities; and

Whereas, the increased use of wind and other alternative energy resources produced in Washington will help move the state towards energy independence, and help to decrease the billions of dollars Washingtonians currently pay each year for imported fuel; and

Whereas, the federal endangered species act (16 U.S.C. Sec. 1531 et seq.) can pose significant challenges, including regulatory uncertainty, for those seeking to develop wind and other alternative energy projects in locations that could potentially impact any wildlife listed as threatened or endangered; and

Whereas, the United States Fish and Wildlife Service, housed within the United States Department of the Interior, is the agency with primary responsibility for implementing and enforcing the federal endangered species act;

Now, Therefore, Your Memorialists respectfully pray that the United States Fish and Wildlife Service work cooperatively with the state's regulatory agencies and energy producers to resolve these federal endangered species act issues in a manner that allows the continued development of Washington's wind and other alternative energy resources while at the same time protecting threatened and endangered wildlife.

Be it resolved, That copies of this Memorial be immediately transmitted to the Honorable Barack Obama, President of the United States, the Secretary of the Department of the Interior, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM-21. A joint memorial adopted by the Legislature of the State of Washington relative to urging the enactment of legislation to eliminate the 24 month Medicare waiting

period for participants in Social Security Disability Insurance; to the Committee on Finance.

#### SENATE JOINT MEMORIAL 8013

Whereas, created in 1965, the federal Medicare program provides health insurance coverage for more than 40 million Americans; although most of those enrolled are senior citizens, approximately 6 million enrollees under the age of 65 have qualified because of permanent and severe disabilities, such as spinal cord injuries, multiple sclerosis, cardiovascular disease, cancer, or other illness or disorder; and

Whereas, despite the physical and financial hardships wrought by these conditions and the fact that Social Security Disability Insurance (SSDI) is designed for individuals with a work history who paid into the social security system before the onset of their disability, federal law mandates a 24 month waiting period from the time a disabled individual first receives SSDI benefits to the time Medicare coverage begins; a prerequisite to Medicare, the SSDI program itself delays benefits for 5 months while the person's disability is determined, effectively creating a 29 month waiting period for Medicare; and

Whereas, this restriction affects a significant number of Americans in need; as of January 2002, there were approximately 1.2 million disabled persons who qualified for SSDI and were awaiting Medicare coverage, many of whom were unemployed because of their disability; consequently, under these conditions, by the time Medicare began, an estimated 77 percent of those individuals would be poor or nearly poor, 45 percent would have incomes below the federal poverty line, and close to 40 percent would be enrolled in state Medicaid programs; and

Whereas, furthermore, it has been estimated that as many as one-third of the individuals currently awaiting coverage may be uninsured and likely to incur significant medical expenses during the 2 year waiting period, often with devastating consequences; studies indicate that the uninsured are likely to delay or forgo needed care, leading to worsening health and even premature death, and the American Medical Association has determined that death rates among SSDI recipients are the highest in the first 24 months of enrollment; and

Whereas, eliminating the 24 month waiting period not only would prevent worsening illness and disability for SSDI beneficiaries, thereby reducing more costly future medical needs and potential longterm reliance on public health care programs, but could also save the Medicaid program as much as 4.3 billion dollars at 2002 program levels, including nearly 1.8 billion dollars in savings to states and 2.5 billion dollars in federal savings that would help offset a substantial portion of the accompanying increase in Medicare expenditures; and

Whereas, recognizing the consequences of the waiting period to those suffering from amyotrophic lateral sclerosis (ALS), or Lou Gehrig's disease, the 106th Congress passed H.R. 5661 in 2000 and eliminated the requirement for enrollees diagnosed with the disease; in passing H.R. 5661, the congress acknowledged the enormous difficulties faced by those diagnosed with severe disabilities and established precedent for the exception to be extended to all the disabled on the Medicare waiting list;

Now, therefore, your Memorialists respectfully urge the United States Congress to enact legislation to eliminate the 24 month Medicare waiting period for participants in Social Security Disability Insurance.

Be it resolved, that copies of this Memorial be immediately transmitted to the Honorable

Barack Obama, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM-22. A joint memorial adopted by the Legislature of the State of Washington relative to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women; to the Committee on Foreign Relations.

#### SENATE JOINT MEMORIAL 8012

Whereas, the Convention on the Elimination of All Forms of Discrimination Against Women was adopted by the United Nations General Assembly on December 18, 1979, became an international treaty on September 3, 1981, and by August 2006, one hundred eighty-five nations including all of the industrialized world, except the United States, have agreed to pursue the Convention's goals; and

Whereas, the United States supports and has a position of leadership in the United Nations, was an active participant in the drafting of the Convention and signed the Convention in 1980, but to date has not ratified it; and

Whereas, the spirit of the Convention is to affirm faith in fundamental human rights, in the dignity and worth of each person, and in the goal of equal rights, opportunities, and protections for women and girls; and

Whereas, the Convention provides a comprehensive framework for advancing the rights, opportunities, and protections for women and girls, half the world's population, which framework is implemented by individual countries in ways appropriate to their own countries; and

Whereas, much research has found that discrimination based on sex results in less education for girls and women, fewer job opportunities and lower pay for women, slower national economic productivity and growth, and retards the ability of developing countries to grow their economies and contribute to global economic recovery; and

Whereas, women in every country play fundamentally important economic roles in their economies and frequently constitute the major economic support for their families; and

Whereas, although women in many parts of the world have made major gains in struggles for equality in social, business, political, legal, education, and other fields, much more needs to be accomplished; and

Whereas, through its active support and moral leadership, the United States can help create a world where women and girls have equal legal protections, human rights, education and economic opportunities, personal safety, health care, and more;

Now, therefore, your Memorialists respectfully pray that President Obama and Secretary Clinton place the United Nations Convention on the Elimination of All Forms of Discrimination Against Women in the highest category of priority in order to accelerate the treaty's passage through the Senate Foreign Relations Committee and the full United States Senate with the goal of ratification by the United States; and that the Washington State Legislature urge the Senate Foreign Relations Committee to pass this treaty favorably out of Committee and recommend it be approved by the full United States Senate; Be it

*Resolved*, That copies of this Memorial be immediately transmitted to the Honorable Barack Obama, President of the United States, Hillary Clinton, Secretary of State, Hilda Solis, Secretary of Labor, the President of the United States Senate, the Speaker of the House of Representatives, and each

member of Congress from the State of Washington.

POM-23. A joint memorial adopted by the Legislature of the State of Washington relative to electronic medical and health records; to the Committee on Health, Education, Labor, and Pensions.

#### SENATE JOINT MEMORIAL 8003

Whereas, expanded health information technology has the potential to revolutionize the delivery of health care in the United States by enabling continuity of care, improving cost efficiency, lowering rates of medical malpractice, decreasing duplicative care, providing better care management for patients, and producing better health outcomes; and

Whereas, major investments in the hardware and software infrastructure required to facilitate the expansion of health information technology are being made now by health care providers; and

Whereas, the health information systems currently being constructed are often incapable of communicating with each other; and

Whereas, the costs to providers of maintaining incompatible systems in the name of proprietary licensing will grow exponentially with every delay in reaching a universal standard of interoperability; and

Whereas, the benefit from health information technology is only derived from the ability of systems to communicate with each other on a fully compatible platform; and

Whereas, a national public-private partnership has recently commenced with leadership from the United States department of health and human services to define standards of interoperability with the goal of implementing electronic health records for all Americans by the year 2014;

Now, therefore, your Memorialists respectfully pray that Congress institute a date certain, no later than January 1, 2013, at which time all vendors, suppliers, and manufacturers of health information technology must comply with a uniform national standard of interoperability, such that all electronic medical and health records can be readily shared and accessed across all health care providers and institutions while at the same time preserving the proprietary nature of health information technology producers that will encourage future innovation and competition: Be it

*Resolved*, That copies of this Memorial be immediately transmitted to the Honorable Barack Obama, President of the United States, the Secretary of the United States Department of Health and Human Services, the Governor of the State of Washington, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM-24. A joint memorial adopted by the Legislature of the State of Washington relative to the issuance of a commemorative stamp by the United States Postal Service; to the Committee on Veterans' Affairs.

#### HOUSE JOINT MEMORIAL 4005

Whereas, the Nisei veterans of the Second World War provided the avenue for Japanese-Americans to prove their loyalty to the United States by serving as the ultimate patriots in the Armed Forces; and

Whereas, these veterans served in the 442nd Regimental Combat Team, the 100th Infantry Battalion, and the Military Intelligence Service (MIS); and

Whereas, the 100th Infantry Battalion and 442nd Regimental Combat Team of the United States Army were comprised of Japanese-Americans who fought in Europe during the Second World War; and

Whereas, the 100th Infantry Battalion and 442nd Regimental Combat Team were mem-

bers of the most highly decorated military unit of its size in the history of the United States Armed Forces, with twenty-one Medal of Honor recipients, numerous Purple Hearts, and many other awards; and

Whereas, tens of thousands of lives were saved because the MIS used their knowledge of Japanese language and culture to help the Allies end the Second World War quickly in the Pacific; and

Whereas, the Nisei veterans' proud American legacy continues, however many Nisei veterans have passed away and those still alive are now in their eighties and nineties; and

Whereas, these Nisei veterans should be publicly commemorated;

Now, therefore, your Memorialists respectfully pray that the United States Postal Service issue a postage stamp in commemoration of the Nisei veterans' service in the United States Armed Forces during the Second World War: Be it

*Resolved*, That copies of this Memorial be immediately transmitted to the Honorable Barack Obama, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each Member of Congress from the State of Washington.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 663. A bill to designate the facility of the United States Postal Service located at 12877 Broad Street in Sparta, Georgia, as the "Yvonne Ingram-Ephraim Post Office Building".

H.R. 918. A bill to designate the facility of the United States Postal Service located at 300 East 3rd Street in Jamestown, New York, as the "Stan Lundine Post Office Building".

H.R. 1284. A bill to designate the facility of the United States Postal Service located at 103 West Main Street in McLain, Mississippi, as the "Major Ed W. Freeman Post Office".

H.R. 1595. A bill to designate the facility of the United States Postal Service located at 3245 Latta Road in Rochester, New York, as the "Brian K. Schramm Post Office Building".

### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

\*Lawrence E. Strickling, of Illinois, to be Assistant Secretary of Commerce for Communications and Information.

\*Rebecca M. Blank, of Maryland, to be Under Secretary of Commerce for Economic Affairs.

\*John D. Porcari, of Maryland, to be Deputy Secretary of Transportation.

\*J. Randolph Babbitt, of Virginia, to be Administrator of the Federal Aviation Administration for the term of five years.

\*Aneesh Chopra, of Virginia, to be an Associate Director of the Office of Science and Technology Policy.

Mr. ROCKEFELLER. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

\*National Oceanic and Atmospheric Administration nominations beginning with Mark H. Pickett and ending with Ryan A. Wartick, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

\*National Oceanic and Atmospheric Administration nominations beginning with Heather L. Moe and ending with Marina O. Kosenko, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

By Mr. KERRY for the Committee on Foreign Relations.

\*Judith A. McHale, of Maryland, to be Under Secretary of State for Public Diplomacy.

\*Robert Orris Blake, Jr., of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Assistant Secretary of State for South Asian Affairs.

By Mr. DODD for Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

\*Seth David Harris, of New Jersey, to be Deputy Secretary of Labor.

\*Linda A. Puchala, of Maryland, to be a Member of the National Mediation Board for a term expiring July 1, 2009.

\*Linda A. Puchala, of Maryland, to be a Member of the National Mediation Board for a term expiring July 1, 2012.

\*John Q. Easton, of Illinois, to be Director of the Institute of Education Science, Department of Education for a term of six years.

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

\*Marisa J. Demeo, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

\*Florence Y. Pan, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

\*Cass R. Sunstein, of Massachusetts, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget.

\*David Heyman, of the District of Columbia, to be an Assistant Secretary of Homeland Security.

\*Robert M. Groves, of Michigan, to be Director of the Census.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRAHAM (for himself and Mr. LIEBERMAN):

S. 1081. A bill to prohibit the release of enemy combatants into the United States; to the Committee on the Judiciary.

By Mr. CRAPO (for himself and Mr. JOHNSON):

S. 1082. A bill to amend the Internal Revenue Code of 1986 to allow individuals to